

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIMINAL ACTION
NO. 99-109-01

MARCO BURTON

DuBOIS, J.

March 25, 2010

ORDER

AND NOW, this 25th day of March, 2010, upon consideration of Defendant's Motion Pursuant to Rule 60(b)(5) and (6) of the Federal Rules of Civil Procedure, (Document No. 141, filed January 11, 2010), Government's Response to Defendant's Pro Se Motion Pursuant to Rule 60(b) (Document No. 146, filed February 12, 2010), and Defendant's Traverse in Reply to the United States Response to Petitioner Marco Burton's Pro Se Motion Pursuant to Rule 60(b)(5) and (6) (Document No. 147, Filed March 3, 2010), for the reasons set forth in the Memorandum dated March 25, 2010, **IT IS ORDERED** as follows:

1. Burtons's Motion Pursuant to Rule 60(b)(5) and (6) of the Federal Rules of Civil Procedure is **DISMISSED**;
2. Burton's request for an evidentiary hearing is **DENIED**;
3. A certificate of appealability **WILL NOT ISSUE** on the ground that Burton has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2).

BY THE COURT:

/s/ Jan E. DuBois

JAN E. DUBOIS, J.